

## SB0205S02 compared with SB0205S01

~~text~~ shows text that was in SB0205S01 but was deleted in SB0205S02.

Inserted text shows text that was not in SB0205S01 but was inserted into SB0205S02.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Senator Todd Weiler proposes the following substitute bill:

### INCARCERATION REPORTS

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Todd Weiler**

House Sponsor: \_\_\_\_\_

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#### LONG TITLE

##### General Description:

This bill requires the Department of Corrections and county jails to report on in-custody deaths and ~~opiate addiction~~ alcohol and substance use treatment ~~services~~ policies.

##### Highlighted Provisions:

This bill:

- ▶ requires the Department of Corrections and county jails to report to the Commission on Criminal and Juvenile Justice regarding:
  - in-custody inmate deaths;
  - treatment ~~services~~ policies for inmates with ~~an opiate~~ a substance or alcohol addiction; and
  - ~~prescriptions~~ medications not dispensed to an inmate during incarceration; and
- ▶ requires the Commission on Criminal and Juvenile Justice to compile the

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information reported and submit the compilation to the Law Enforcement and Criminal Justice Interim Committee.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

None

### Utah Code Sections Affected:

ENACTS:

17-22-32, Utah Code Annotated 1953

64-13-45, Utah Code Annotated 1953

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section 17-22-32 is enacted to read:

#### **17-22-32. County jail reporting requirements.**

(1) As used in this section:

~~{~~ ~~(a) "CCJJ" means the Commission on Criminal and Juvenile Justice created in Section 63M-7-201.~~

~~{~~ ~~(b)a~~ (i) "In-custody death" means an inmate death that occurs while the inmate is ~~housed in~~ in the custody of a county jail.

(ii) "In-custody death" includes an inmate death that occurs while the inmate is:

(A) being transported for medical care; or

(B) receiving medical care outside of a county jail.

~~{c}b~~ "Inmate" means an individual who is processed or booked into custody or housed by in a county jail in the state.

~~{d}c~~ "Opiate" means the same as that term is defined in Section 58-37-2.

(2) A county jail shall submit a report to ~~{CCJJ}~~ the Commission on Criminal and Juvenile Justice, created in Section 63M-7-201, before August 1 of each year that includes:

(a) the number of in-custody deaths that occurred during the preceding calendar year;

(b) the {causes} known, or discoverable on reasonable inquiry, causes and contributing factors of each of the in-custody deaths described in Subsection (2)(a);

(c) all conditions for which the county jail was treating or asked to treat an inmate

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within 14 days before the inmate's in-custody death;

~~(f)c~~d) the county jail's policy for notifying an inmate's next of kin after the inmate's in-custody death;

~~{~~ (d) any report the county jail provides under federal law or regulation relating to inmate deaths;

~~}~~ (e) a list of the prescription medications that:

(i) a county jail knew were prescribed to an inmate within 30 days before the day on which the inmate was ~~admitted to~~booked into custody in the county jail;

(ii) the inmate did not finish taking before the day on which the inmate was admitted to the county jail;

(iii) the inmate informed the county jail of the inmate's desire or need to continue taking while in custody of the county jail; and

(iv) the county jail failed or declined to ~~dispense~~provide to the inmate while the inmate was ~~incarcerated at~~in custody of the county jail; ~~and~~

~~— (f) an outline of treatment services available for inmates with an opiate addiction.~~

~~— (3) CCJJ;~~

(f) the county jail policies, procedures, and protocols:

(i) for treatment of an inmate experiencing withdrawal from alcohol or substance use, including use of opiates; and

(ii) relating to the county jail's provision, or lack of provision, of medications used to treat, mitigate, or address an inmate's symptoms of withdrawal, including methadone and all forms of buprenorphine and naltrexone.

(g) any report the county jail provides or is required to provide under federal law or regulation relating to inmate deaths.

(3) The Commission on Criminal and Juvenile Justice shall compile the information from the reports described in Subsection (2) and submit the compilation to the Law Enforcement and Criminal Justice Interim Committee before November 1 of each year.

(4) A county jail may not include identifying information in a report described in Subsection (2).

Section 2. Section **64-13-45** is enacted to read:

**64-13-45. Department reporting requirements.**

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(1) As used in this section:

(a) ~~{ "CCJJ" means the Commission on Criminal and Juvenile Justice created in Section 63M-7-201.~~

~~(b) (i) "In-custody death" means an inmate death that occurs while the inmate is housed by the department or a correctional facility other than a county jail~~ in the custody of the department.

(ii) "In-custody death" includes an inmate death that occurs while the inmate is:

(A) being transported for medical care; or

(B) receiving medical care outside of a correctional facility, other than a county jail.

(b) "Inmate" means an individual who is processed or booked into custody or housed in the department or a correctional facility other than a county jail.

(c) "Opiate" means the same as that term is defined in Section 58-37-2.

(2) The department shall submit a report to ~~{CCJJ}~~ the Commission on Criminal and Juvenile Justice, created in Section 63M-7-201, before August 1 of each year that includes:

(a) the number of in-custody deaths that occurred during the preceding calendar year;

(b) the ~~{causes}~~ known, or discoverable on reasonable inquiry, causes and contributing factors of each of the in-custody deaths described in Subsection (2)(a);

(c) all conditions for which the department was treating or asked to treat an inmate within 14 days before the inmate's in-custody death;

~~{c}~~ d) the department's policy for notifying an inmate's next of kin after the inmate's in-custody death;

~~{ (d) any report the department provides under federal law or regulation relating to inmate deaths;~~

~~{~~ (e) a list of the prescription medications that:

(i) the department knew were prescribed to an inmate within 30 days before the day on which the inmate was admitted to the department or ~~{ a }~~ correctional facility other than a county jail;

(ii) the inmate did not finish taking before the day on which the inmate was admitted to the department or correctional facility;

(iii) the inmate informed the ~~{department or correctional facility}~~ county jail of the inmate's desire or need to continue taking while in custody of the department or correctional

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facility; and

(iv) the department or correctional facility failed or declined to ~~{dispense}~~ provide to the inmate while the inmate was ~~{incarcerated at}~~ in custody of the department or correctional facility; ~~and~~

~~(f) an outline of treatment services available for inmates with an opiate addiction.~~

~~(3) CCJJ;~~

(f) the department policies, procedures, and protocols:

(i) for treatment of an inmate experiencing withdrawal from alcohol or substance use, including use of opiates; and

(ii) relating to the department's provision, or lack of provision, of medications used to treat, mitigate, or address an inmate's symptoms of withdrawal, including methadone and all forms of buprenorphine and naltrexone.

(g) any report the department provides or is required to provide under federal law or regulation relating to inmate deaths.

(3) The Commission on Criminal and Juvenile Justice shall compile the information from the reports described in Subsection (2) and submit the compilation to the Law Enforcement and Criminal Justice Interim Committee before November 1 of each year.

(4) The department may not include identifying information in a report described in Subsection (2).